

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES C. PLATTS,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 14-1041
)	Magistrate Judge Maureen P. Kelly
UNITED STATES DEPARTMENT OF)	
TREASURY – INTERNAL REVENUE)	
SERVICE,)	
)	
Defendant.)	

ORDER

The complaint filed by James Platts (“Plaintiff”) has been received by this Court without a filing fee and or the forms required to proceed in forma pauperis in a civil case. This case may not proceed unless Plaintiff either:

1) tenders to the "Clerk, U.S. District Court" a statutory filing fee in the amount of \$400.00, (the filing fee is \$350.00, but effective May 1, 2013 the Judicial Conference of the United States put into effect a \$50.00 administrative fee anytime a civil action is filed with the District Court), or

2) files a properly completed application to proceed in forma pauperis (“IFP”), along with an authorization form and certified copies of the account statements for the six (6) months preceding the filing of the Complaint. An application to proceed IFP and an authorization form are enclosed for Plaintiff.

As a result of the filing deficiency by the Plaintiffs, IT IS ORDERED that this case is dismissed and the Clerk of Court is to mark this case CLOSED.

IT IS FURTHER ORDERED that Plaintiff may reopen the case within 30 days by either: (1) paying the \$400.00 filing fee, or (2) submitting an application to proceed IFP and authorization forms and certified copies of Plaintiff's inmate account statements for the six (6) months preceding the filing of the complaint. Failure to either pay the filing fee or file the IFP Motion by September 20, 2014, may result in the dismissal of the case with prejudice for failure to prosecute.

IT IS ORDERED that any and all communication with the Court shall be in the form of a pleading or motion that shall be filed with the Clerk of Court at the following address: United States Courthouse, 700 Grant Street, Pittsburgh, PA 15219. Copies of pleadings and motions shall not be sent to the judge's chambers. Letters/correspondence sent to the judge's chambers will not be acknowledged or considered by the Court.

IT IS FURTHER ORDERED that Plaintiff must keep the Court advised of his current addresses at all times throughout this litigation. Specifically, Plaintiff is ordered to notify the Court in writing as to any and all address changes, including all temporary transfers to another jail or prison or other facility. Plaintiff's failure to do so may result in dismissal of this action.

Lastly, we note that Plaintiff, in his proposed Complaint, asserts that "[u]nder the demands of fair justice, [Plaintiff] requests the recusal of Judges; Ambrose, Block, Kelley [sic] and Schwab, as a possible conflict of interest due to other pending litigation actions involving the Petitioner of prejudice." ECF No. 1 at 4. To the extent that the foregoing can be construed as a Motion to have the undersigned recuse, the Motion is not ripe as no case has been formally filed until the filing fee is paid and or a Motion for IFP has been granted. Accordingly, any ruling on

the deemed Motion for Recusal is deferred, pending Plaintiff's curing of the noted deficiencies and the reopening of the case.

The parties are allowed fourteen (14) days from this date to appeal this order to a District Judge pursuant to Rule 72.C.2 of the Local Rules. Failure to appeal within fourteen (14) days may constitute waiver of the right to appeal.

DATED: August 20, 2014

BY THE COURT:

/s/Maureen P. Kelly
MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

cc: James C. Platts
#09684-068
USP Hazelton
U.S. Penitentiary
P.O. Box 1000
Bruceton Mills, WV 26525